



SO ORDERED.

SIGNED this 20 day of February, 2015.

A handwritten signature in blue ink, reading "David M. Warren".

David M. Warren
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:)	CASE NO. 14-01802-5-DMW
)	CHAPTER 7
KENNETH BRIAN KOVASALA,)	
DEBTOR)	
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WELLS FARGO BANK, N.A.,)	ADVERSARY PROCEEDING
PLAINTIFF)	NO. 14-00030-5-DMW
vs.)	
)	
KENNETH BRIAN KOVASALA,)	CONSENT JUDGMENT
DEFENDANT.)	
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THIS CAUSE comes on before the United States Bankruptcy Court for the Eastern District of North Carolina upon agreement by the parties for a consent judgment against the Defendant. After having reviewed the Complaint and the record herein, and with the consent of the parties as evidenced by the signatures below, the Court makes the following

FINDINGS OF FACT:

1. The Defendant commenced this case by a Chapter 7 petition filed with this Court on March 31, 2014.
2. As of the petition date, the Defendant was indebted to Plaintiff on a credit card account with an outstanding balance of \$5,954.24.

3. On or about August 29, 2014, Plaintiff timely filed the instant Adversary Proceeding seeking judgment against the Defendant for said debt and a determination that said debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

4. The Defendant timely filed his Answer to the Complaint denying that Plaintiff is entitled to the relief requested by the Complaint.

BASED ON THE FOREGOING FINDINGS OF FACT, the Court makes the following:

CONCLUSIONS OF LAW

1. This Court has proper and personal jurisdiction over the subject matter hereof and the parties hereto.

2. This matter properly came on for consideration before the Court after notice thereof was duly and properly given to all interested parties. No further notice or hearing is required relative to the entry of this Consent Judgment.

3. Having reviewed the Complaint and the record herein, the Court finds that there is good cause to approve the parties' settlement as reflected herein.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That Plaintiff shall have judgment herein against the Defendant in the amount of \$5,954.24, plus post-judgment interest thereon at the legal rate until paid in full; and

2. That such judgment amount, in its entirety, should be and hereby is declared non-dischargeable in the Defendant's underlying Chapter 7 bankruptcy case pursuant to 11 U.S.C. § 523(a)(2)(A); and

3. That Defendant shall be charged with all costs incurred in this Adversary Proceeding; and

4. That provided the Defendant pays to the Plaintiff, at Wells Fargo Card Services, P.O. Box 9210, Des Moines, IA 50306, the sum of \$125.00 per month commencing on April 1, 2015 and continuing on the 1st day of each month thereafter until a total of \$4,500 is paid, time being of the essence, then the Plaintiff shall:

- a. Forbear executing upon the Judgment.
- b. Accept the foregoing sum of \$4,500.00 as an Accord and Settlement of that judgment debt specified above.

- c. Cancel the Judgment upon payment in full of the \$4,500 settlement amount.

5. That, however, should the Defendant not timely comply with the payment schedule designated in Paragraph 4, then the Plaintiff shall be entitled to execute upon the full judgment amount set forth above, after crediting to same all sums received prior thereto and the contingent Accord and Settlement set forth herein shall be null and void.

WE CONSENT:

KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.

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s/ Kenneth Brian Kovalala
Kenneth Brian Kovalala

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